## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:21-cv-141-FDW-DCK

ERIC DARDEN,	)	
Plaintiff,	)	
vs.	)	02222
VOLKSWAGEN CREDIT, INC., et al.,	)	ORDER
Defendants.	)	
	_ )	

**THIS MATTER** is before the Court on its May 4, 2021, Order, (Doc. No. 5).

Plaintiff filed a *pro se* Complaint pursuant to the Truth in Lending Act, 15 U.S.C. §§ 1601 *et seq.*, Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.*, Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*, and the Gramm-Leach Bliley Act, 15 U.S.C. § 1801, *et seq.* (Doc. No. 1). In an Order entered on May 4, 2021, the Court granted Plaintiff's Application to proceed *in forma pauperis* and dismissed the Complaint on initial review pursuant to 28 U.S.C. § 1915 as frivolous and for failure to state a claim upon which relief can be granted. (Doc. No. 5). The Court granted Plaintiff the opportunity to amend the Complaint within 14 days and cautioned him that the failure to do so would result in this case being closed without further notice. (Id.).

Plaintiff failed to amend his Complaint in accordance with the May 4 Order and the time to do so has expired. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

## IT IS, THEREFORE, ORDERED that:

- 1. This action is **DISMISSED** without prejudice for Plaintiff's failure to comply with the Court's May 4, 2021 Order.
- 2. The Clerk of this Court is directed to close this case.

Signed: May 19, 2021

Frank D. Whitney

United States District Judge